

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**SEPTEMBER 16, 2009**  
**5:30 p.m.**

**CALL TO ORDER**

**Mayor Nelson** called the City Council meeting to order.

**INVOCATION/PLEDGE**

**Wayne Whittaker**, Reverend of Hospice of Yuma, gave the invocation. **Sgt. Dan Wilkey**, Police Department, led the City Council in the pledge of allegiance.

**ROLL CALL**

Councilmembers Present: Shoop, Mendoza, Beeson, McClendon, Nicholls, Johnson and Mayor Nelson  
Councilmembers Absent: none  
Staffmembers Present: Acting City Administrator and City Attorney, Steven W. Moore  
Police Captain, John Lekan  
Director of Community Development, Laurie Lineberry  
Director of Engineering, Paul Brooberg  
City Clerk, Brigitta M. Kuiper

**FINAL CALL**

**Mayor Nelson** made a final call for the submission of Speaker Request Forms from members of the audience.

**PRESENTATIONS**

**Captain John Lekan** presented a Citizen Appreciation Award to Bill Snyder for his outstanding service to the community; his brave actions helped prevent a suicide.

**COMMUNICATIONS / FACTUAL RESPONSES - none**

**I. CALL TO THE PUBLIC**

**Shereen Khan-Guinn**, 560 E. Palo Verde, stated that she attempted to report illegal banking activities which resulted in her losing her job and subsequently, she was accused of embezzlement and investigated by Yuma County Sheriff's Department. Reports were made to various law enforcement agencies, including Yuma Police Department, the FBI and the City Council; to date, none of the agencies have acted on her behalf. Guinn alleged that past and recent requests to speak at a City Council meeting and to meet with the Mayor have been declined. She handed the City Clerk a packet of documents for the Mayor and City Council evidencing her allegations.

**Moore** responded that Mr. and Mrs. Guinn have brought forward these accusations on a number of occasions; they have been investigated by numerous agencies. She is alleging criminal misconduct, an area of investigation not overseen by the City Council.

**MaryAnn Easterday**, 3359 S. 15<sup>th</sup> Avenue, stated that graffiti is becoming a problem in the community. The public needs to put a stop to it by reporting to the Graffiti Hotline. A graffiti paint out will be held at the new Dog Park on September 26, 2009. She also reminded the public that the next Household Hazardous Waste collection will be September 16, 2009.

**Monica De Leon**, 3602 Cooke Street, alleged she is a victim of a hate crime that targets individuals through a computer program. She urged the public to call the Federal Aviation Administration in regards to possible devices on planes that could bring an aircraft down.

**Phil Clark**, 4296 W. County 15<sup>th</sup> Street, Somerton, stated the City Administrator Mark Watson indicated that if the City has not provided a document it does not exist or is not a record the City has. That is an acknowledgement that the developer is not complying with the agreement and staff is doing nothing to ensure the developer complies. The project has been structured with several layers of Delaware Limited Liability Corporations, which do not require the disclosure of the managers or members at the time of filing the certificate of formation; that information is only in the management agreement. The only way one will ever know everyone that is participating in the project is if the management agreements are requested. These projects, however, are not private project; the underlying land belongs to the City of Yuma who has a definite interest the use of the land. He again provided a packet of information to the City Council stating that there are questions that have yet to be answered.

**Kuiper:** Since the beginning of January 2009, Phil Clark has filed 25 requests for public records. Every single request for public records has been filled and closed. There are no pending requests for public records. In regards to the letter Phil Clark filed on June 17, 2009 the documents were ready for his review on July 13, 2009. He reviewed the documents on July 17, 2009 and purchased two pages; it is unclear as to what other information or documents he wants.

**Moore:** With respect to Phil Clark's public records requests, the law requires the City to provide any documents in its possession upon request. The City has provided Phil Clark, on more than one occasion, all the documents that the City of Yuma has in regards to his request. Craig Clark (Clark-Lankford, Inc.) has indicated that some of the requested documents don't exist or aren't related to this project. The Contract, Assignment Clause and Performance Bonds are all different issues. Phil Clark wants additional information; however, he has all the documentation the City has.

## **II. MOTION CONSENT AGENDA**

**Motion** (Shoop/Mendoza): To adopt the Motion Consent Agenda as recommended. Voice vote: **approved** 7-0.

A. Approval of minutes of the following City Council meeting:  
Regular Worksession August 18, 2009

B. Approval of Staff Recommendations:

1. Executive Sessions may be held at the next regularly scheduled Special Worksession, Regular Worksession and City Council Meeting for personnel, legal, litigation and real estate matters pursuant to A.R.S. § 38-431.03 Section A (1), (3), (4), and (7). (Attny)
2. Approve a Special Event Liquor License application submitted by Charles Flynn, on behalf of the Yuma Crossing National Heritage Area Corporation, for the celebration of the 60th Anniversary of the Endurance Flight. The event will be held in the 200 block of S. Main Street, on October 10, 2009, from 12:00 p.m. to 8:00 p.m. (SP09-11) (Admin/Clerk)
3. Approve a Special Event Liquor License application submitted by Teresa Guzman Small, on behalf of the New Class Car Club. The scheduled event is the Yuma High School 20-Year Class Reunion and will be held October 10, 2009, at the Yuma Territorial Prison, from 7:00 p.m. to 12:00 a.m. (SP09-12) (Admin/Clerk)
4. Approve a Special Event Liquor License application submitted by Melinda Sue Perez, on behalf of the Rotary Club of Yuma-North End. The scheduled event is the 1st Annual LMP Liga Mexicana League fundraiser and will be held October 7, 2009, at Desert Sun Stadium, from 5:00 p.m. to 11:00 p.m. (SP09-15) (Admin/Clerk)
5. Rescind award to Advanced Diving Services, Inc., and re-award a one-year contract with the option to renew for four additional one-year periods, at an estimated annual cost of \$10,000.00, which may exceed \$50,000.00 over the 5-year life of the contract, depending on the appropriation of funds and satisfactory performance, on an as-needed basis with Applied Diving Services, Inc., Phoenix, Arizona. (Bid #2009000432) (Utilities/Water Treatment)
6. Award a one-year contract for Gas Cylinders - Industrial/Medical with the option to renew for four additional one-year periods, one period at a time, at an estimated annual cost of \$10,000.00, which may exceed \$50,000.00 over the five-year life of the contract. Renewals will depend on the appropriation of funds and satisfactory performance, on an as-needed basis, with the following firms:

|                                  |               |
|----------------------------------|---------------|
| Primary Award: West Air Gases    | Yuma, Arizona |
| Secondary Award: Airgas West Inc | Yuma, Arizona |

(Bid #2010000087) (Utilities)
7. Authorize Staff to negotiate and execute one-year contracts with the option to renew for four additional one-year periods, one period at a time, depending on the appropriation of funds and satisfactory performance, for Professional Environmental Services on a Delivery Order Basis with the following firms:

|  |                  |
|--|------------------|
| 1. Ninyo & Moore                           | Phoenix, Arizona |
| 2. SCS Engineers                           | Phoenix, Arizona |
| 3. Nicklaus Engineering, Inc               | Yuma, Arizona    |
| 4. Dominion Environmental Consultants Inc. | Phoenix, Arizona |

(RFP No. 2009000488) (HR/Safety & Environmental)
8. Authorize staff to negotiate and execute Beta Agreement for testing and upgrading software with SunGard Public Sector, Lake Mary, Florida. (RFP No. 95086) (ITS)

9. Approve an Infrastructure and Services Report for Annexation Area No. A2009-09, an annexation area of approximately 20.2 acres of territory located at the southwest corner of County 16th Street and the Avenue 1½ E alignment. (Admin/EcDev)
10. Approve an Infrastructure and Services Report for Annexation Area No. A2009-11, an annexation area of approximately 164.1 acres of territory located at the southwest corner of County 18th Street and Avenue 2E. (Admin/EcDev)
11. Authorize execution of an agreement with Gregory T. Torok to serve as a part-time Assistant City Attorney to assist the City Prosecutor for the City of Yuma. (Attny/Prosecutor)

### III. RESOLUTION CONSENT AGENDA

**Motion** (Shoop/Mendoza): To approve the Resolution Consent Agenda as recommended, with the exception for R2009-73, which was removed for separate consideration.

Kuiper displayed the following titles:

#### **Resolution R2009-70**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing the Yuma Metropolitan Planning Organization to act on behalf of the City of Yuma, to accept, utilize and administer funding for transit services**

(2009 Local Transportation Assistance Fund II) (Eng)

#### **Resolution R2009-71**

**A resolution of the City Council of the City of Yuma, Arizona, amending Resolution No. R2009-38 to correct Exhibit 1 of the Preannexation Development Agreement with the owner of real property located at the northwest corner of Avenue 3½ E and County 17th Street**

(Development agreement amendment: Woodman Family Citrus LP) (Admin/EcDev)

#### **Resolution R2009-72**

**A resolution of the City Council of the City of Yuma, Arizona, declaring and adopting the official canvass of the results of the Primary Election held on September 1, 2009**

(Admin/City Clerk)

Roll call vote: **adopted** 7-0.

#### **Resolution Consent Agenda Item Removed for Separate Consideration**

**Resolution R2009-73 Census 2010 Complete Count Committee** Amend Resolution R2009-63 to modify the membership of the Census 2010 Complete Count Committee to not less than 11 and no more than 25 members and allow for participation at committee meetings by voice or video technology. (DCD/Planning)

**Motion** (Johnson/McClendon): To amend Resolution R2009-73 at Section 2, as follows:  
That the words "not less than eleven (11) and no more than twenty-five (25) members" be amended to read "not less than five (5) and no more than

twenty-five (25) members".  
Roll call vote: **adopted** 7-0.

**Kuiper** displayed the following title:

**Resolution R2009-73, as amended**  
**A resolution of the City Council of the City of Yuma, Arizona, amending Resolution R2009-63, Census 2010 Complete Count Committee, to modify the membership of the committee and to allow for voice or video participation in committee meetings**  
(DCD/Planning)

**Motion** (Johnson/Mendoza): To approve Resolution R2009-73, as amended. Roll call vote: **adopted** 7-0.

#### **IV. ADOPTION OF ORDINANCES CONSENT AGENDA**

**Motion** (Beeson/Mendoza): To adopt the Ordinance Consent Agenda with the exception of Ordinance O2009-29, which was removed for separate consideration.

**Kuiper** displayed the following title:

**Ordinance O2009-55**  
**An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, relating to Zoning Regulations, providing for changes to the Zoning Code to add the definitions for a Condominium, Planned Unit Development and Stock Cooperative, and providing penalties for violations thereof**  
(Z2009-011) (DCD/Planning)

Roll call vote: **adopted** 7-0.

#### **Adoption of Ordinances Consent Agenda Item Removed for Separate Consideration**

**Ordinance O2009-29 Zoning Code Text Amendment - 4-H and FFA Project Animals**  
Amend the Yuma City Code, Title 15, Chapter 154, Section 003 to allow 4-H and Future Farmers of America (FFA) project animals in all residential districts subject to requirements; to amend Section 004 to add a definition of 4-H and FFA Projects; and to delete conflicting text in Sections 037 and 067. *(Continued from the Regular City Council Meetings of April 15, June 3, and September 9, 2009)* (Z2008-015) (DCD/Planning)

Speakers:

**MaryAnn Easterday**, 3359 S. 15<sup>th</sup> Avenue, stated that she had complained to the City about her neighbors having roosters within ten feet of her bedroom window; however, she did not know that the roosters were FFA project animals. Her complaint should have been acted upon quickly; however, it has taken six complaints and two months to resolve the issue by enforcing the laws currently on the books. As a former 4-H community leader, she strongly supports 4-H and FFA; however, she also supports the laws that are currently in place that state roosters are prohibited within the City limits. This could have been resolved

without coming before the City Council; at first the problems were noise and smells, but now it's become lot sizes and farming along the canal banks. The biggest concern for farmers is unleashed dogs and cats, not 4-H and FFA students walking their animals along the canal banks. 4-H Agents and FFA Advisors are now more aware of the issues and will work with their students to solve the problems. The solution isn't more rules; it's enforcement of the rules that already exist.

**Amy Parrott**, 4-H Agent, 2200 W. 28<sup>th</sup> Street, Suite 102, stated that 4-H and FFA support the ordinance as introduced on April 15, 2009. There has been some confusion in the community with regards to 30-foot buffers. Neither 4-H nor FFA has any objections to the buffer or to any other restrictions listed in the April 15, 2009 guidelines. In fact, members of both organizations understand why the buffer is necessary better than the general public does. 4-H has been pro-active this summer in educating their students, parents, leaders and volunteers in good safety practices. 4-H and FFA are looking forward to a resolution making their programs possible within the City and they appreciate all the efforts made thus far.

**McClendon** asked if 4-H and FFA students are required to have their neighbors sign a paper acknowledging they have been advised of a project animal, in case a complaint arises. **Parrott**: Currently, there isn't an official form; notification is being done as a courtesy. There haven't been many complaints over the years; she's dealt with two in eight years working in the program. Three days after talking to Easterday and the student, the roosters had been relocated. Students are doing their due diligence letting their neighbors know they have project animals, however, sometimes students don't tell their neighbors where the animals will be. Some neighbors are seasonal and getting signatures could be difficult, but a key 4-H and FFA fundamental value is to be a good neighbor. Both the 4-H and FFA will be providing the City with a list of participants including the students' addresses and type of animal in case the City receives a complaint; if a name isn't on the list, it can be assumed the person is not a 4-H or FFA member.

**Leigh Loughead**, FFA Advisor, Yuma High School, 13717 S. Avenue 4E, stated she was involved in the initial group trying to bring this ordinance about. She thanked the City Council, Planning and Zoning and all those involved in making the ordinance workable. Education is key to the success of this effort, making sure students know the regulations and their responsibilities, which will, in turn, help educate the community. The FFA does not have a problem with the 30-foot buffer; the students are being taught about quality assurance and food safety. 4H and FFA students are the future of agriculture. The ordinance gives the 4-H and FFA students a document that can be given to their parents outlining the specific requirements.

**Johnson**: The Leafy Green Marketing Association has proposed an amendment that would place restrictions on project animals "...located on a lot that is adjacent to an agricultural farm field that is producing fresh vegetables..." rather than simply an agricultural farm field. However, amending the ordinance at this point in the process would require re-introduction of the ordinance. Would that pose a problem for 4-H or FFA members? **Loughead**: Students already have their animals, so it would be better not to delay; however, the amendment makes the ordinance better. Students must understand that the land is not theirs and they have no right to walk their animals through it. There are a number of students that live by citrus and alfalfa fields; if Yuma County adopts the same regulations, it would alleviate more problems. **Mayor Nelson**: How do students know what is going to be planted in the fields? **Longhead**: Generally, produce fields remain produce fields over the years. Alfalfa fields tend to stay planted in alfalfa as sheep are grazed on them in the winter. Oftentimes, the use of a field is obvious from looking at it.

**Mendoza:** The regulations in the ordinance run concurrent with the 4-H and FFA season - September 1 through April 15 of each year. Most of the leafy greens are grown during that time. The amendment would change the ordinance. **Loughead:** FFA would be happy with the ordinance either way.

**McClendon** asked whether FFA works with the University of Arizona and the agricultural community to help students understand how their activities affect farming, based on studies? **Loughead:** A lot of the information she uses was developed by the University of Arizona's Quality Assurance Committee so it is the latest and most updated information. The information is given to members of the agricultural industry for their review to ensure the students are receiving correct information.

**Nicholls:** The ordinance states that goats and sheep must be kept in pairs. Is that a requirement of 4-H or FFA? Everyone may not be able to purchase two. **Loughead:** Keeping them in pairs is a suggestion, not a requirement, of 4-H and FFA and is intended to help keep the animals quiet. Goats and sheep are herd animals and tend to be more settled when paired with others of their kind. Some families may not be able to afford two; 4-H and FFA encourage students in close proximity to keep their goats/sheep together – to share responsibilities. The requirement was placed in the ordinance to bring greater consensus for it. Every animal is different and some may settle down without a partner. **Nicholls** expressed concern that such a restriction may make their opportunity to participate too difficult. **Loughead:** Amending the ordinance will require a delay; the matter has already taken a long time and FFA would like to see it resolved.

**Paul Muthart**, 350 W. 16<sup>th</sup> Street, Pasquinelli Produce, stated his overriding concern is to protect Yuma agriculture. He thanked Parrot and Loughead for initiating, continuing and expanding the education of 4-H and FFA students on food safety. He suggested the amendment referred to by Johnson because the City limits extend to the Yuma Mesa area where generally only citrus and alfalfa are grown and where the restrictions listed in the ordinance under Section 1, paragraph 11 [Yuma City Code, 154-003 (J) (11)] are unnecessary. A more restrictive use in what's being produced in a field is a risk adjacent 4H and FFA members will have to take; although, it is not unpredictable. A telephone call to the farmer could resolve the issue.

In regards to the solid barrier fence **Nicholls** asked for clarification on the height; is it a three foot or a five foot minimum? **Muthart:** The ordinance calls for "a 3'-5' solid barrier fence." Three feet would be the minimum. The intent was not to make someone build a new fence, but to have a reasonable physical barrier, which would be anywhere from three to five feet.

**Johnson** asked whether City staff objected to the ordinance being amended. **Lineberry** stated she would not. **Mayor Nelson:** The re-introduction of the amended ordinance can be made tonight

**Motion** (Johnson/Nicholls): To amend Resolution O2009-29, at Section 1, as follows:

- Delete paragraph 9 and renumber the subsequent paragraphs, as appropriate;
- At paragraph 11 (a), renumbered 10 (a), delete "-5' " (i.e. to five feet);
- Amend paragraph 11, renumbered 10, by inserting the phrase "that is producing fresh vegetables" after the phrase "agricultural farm field" and before the phrase "must comply with".

Voice vote: **adopted 7-0.**

**Motion** (Johnson/Nicholls) To reintroduce Ordinance O2009-29, as amended. Voice vote: **adopted 7-0.**

**Kuiper** displayed the following title:

**Ordinance O2009-29, as amended**

**An ordinance of the City Council of the City of Yuma Arizona, amending Chapter 154 of the Yuma City Code, Section 003, to allow 4-H and FFA project animals in all residential districts subject to requirements, and to amend Section 004 to add a definition of 4-H and FFA projects, and to delete conflicting text in Sections 037 & 067  
(Z2008-15) (CD/Planning)**

**V. INTRODUCTION OF ORDINANCES**

**Kuiper displayed the following titles:**

**Ordinance O2009-49**

**An ordinance of the City Council of the City of Yuma, Arizona, annexing to said City a portion of Section 3, Township 10 South, Range 23 West of the Gila & Salt River Base and Meridian, Yuma County, Arizona, amending Chapter 154 of the Yuma City Code, as amended, pursuant to the provisions of Title 9, Chapter 4, Article 7, Arizona Revised Statutes and amendments thereto  
(Annexation Area A2009-09; Associated Citrus Packers) (Admin/EcDev)**

**Ordinance O2009-50**

**An ordinance of the City Council of the City of Yuma, Arizona, annexing to said City a portion of Sections 10 and 15 of Township 10 South, Range 23 West of the Gila & Salt River Base and Meridian, Yuma County, Arizona, amending Chapter 154 of the Yuma City Code, as amended, pursuant to the provisions of Title 9, Chapter 4, Article 7, Arizona Revised Statutes and amendments thereto  
(Annexation Area A2009-11; Curtis Family Citrus) (Admin/EcDev)**

**Ordinance O2009-57**

**An ordinance of the City Council of the City of Yuma, Arizona, authorizing and directing that certain easement parcels of real property, hereinafter described, be acquired by the City of Yuma, by gift, purchase or under the power of eminent domain, for the reason that such property is required to improve the public roadway and utility infrastructure and other public purposes as may be related thereto, and authorizing payment therefor, together with costs necessary for the acquisition of said easement parcels of real property  
(Right-of-Way Acquisition: Casa Mañana Subdivision streetlights; CIP 5.9207) (Eng)**

**Ordinance O2009-58**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Ordinance No. O2005-71 for the purpose of revising a certain legal description contained therein and authorizing and directing that a certain parcel of real property, hereinafter described, be acquired by the City of Yuma, by gift, purchase, easement or under the power of eminent domain, for the reason that such property is required to improve the public stormdrain, roadway and utility infrastructure and other public purposes as may be related thereto, and authorizing payment therefor, together with costs necessary for the acquisition of said parcel of real property  
(Smucker Park Stormwater Basin easement amendment) (Eng)**

**Ordinance O2009-59**



**An ordinance of the City Council of the City of Yuma, Arizona, authorizing and directing that certain parcels of real property, hereinafter described, be acquired by the City of Yuma, by gift, easement, purchase or under the power of eminent domain, for the reason that such property is required to improve the public roadway and utility infrastructure and other public purposes as may be related thereto, and authorizing payment therefor, together with costs necessary for the acquisition of said parcel of real property**

(Property Acquisition: 32<sup>nd</sup> Street Reconstruction; CIP 5.9402) (Eng)

## **VI. PUBLIC HEARINGS**

**Development Fee Appeal: Savant Estates Subdivision** – Public Hearing for the City Council to hear and decide the Savant Estates LLC/Pacesetter Homes LLC, Development Fee Appeal, pursuant to the Yuma City Code, Section 157-04. The appeal seeks a credit against transportation development fees in the amount of \$153,430.00 and a refund of \$228,654.32 for a total of \$382,084.32 in credits and refunds. *(Continued from the Regular City Council Meetings of June 3, June 17 & July 15, 2009)* (City Engineering)

**Motion** (Shoop/Mendoza): To dismiss the Development Fee Appeal for Savant Estates Subdivision and vacate the hearing as a Settlement Agreement was executed on September 15, 2009. Voice vote: **adopted** 7-0.

## **VII. AVENUE A RECONSTRUCTION AND WIDENING PROJECT**

**Brooberg** presented the following information on the Avenue A reconstruction - between 16<sup>th</sup> Street and 24<sup>th</sup> Street.

- The project was awarded to Grey Mountain Construction by the City Council on May 6, 2009.
- The eastern half of the street was closed off first and, beginning from the north (16<sup>th</sup> Street) has been fully excavated from the center line to the new eastern right-of-way line.
  - The right-of-way has been excavated in its entirety from 15<sup>th</sup> Street to 25<sup>th</sup> Street, the full extent of the project.
- The contractor has been installing underground facilities necessary for water, sanitary sewer, and storm drainage on the eastern half of the project.
  - Utilities have been completed and paving has been installed on the east half through 21<sup>st</sup> Street intersection; as the remainder of the utilities are completed, the contractor will proceed to complete paving the remaining two and a half blocks on the eastern side.
  - Final underground work will include the installation of water and/or sanitary sewer extensions from beneath the right-of-way to adjacent areas; this should be completed within the next week or so, at which time the aggregate base material can be laid and work on the concrete and asphalt can begin on the final eastern portion.
- The entire public utility infrastructure – Qwest, Southwest Gas, Arizona Public Service, Yuma County Water Users' Association and Time Warner Cable facilities – has been fully relocated.
- Upon completion of the eastern portion, traffic will be moved from the western portion to the newly-paved eastern portion and the cycle will be repeated.
  - Work on the western portion has already begun on those blocks where the eastern portion has been completed.

- A couple blocks have been demolished and the debris is awaiting removal.
- Traffic barricades have been moved to direct traffic to the eastern side of the street.

**Johnson** stated that he asked that this item be brought before the City Council in response to complaints from various businesses in the construction area. The contractor rapidly installed curbs, gutter, sidewalks, driveways, pavement and base material up to 22<sup>nd</sup> Street; however, there's been nothing done south of that point for some time. The construction has caused a loss in business to the shops located in Palm Plaza, especially after the recent rainfall. What is the cause of the delay? When can paved access to the businesses be expected?

**Brooberg** stated that there is only a perceived delay; the contractor is two and a half months into an eight month project. Most of the eastern portion is complete and the contractor is ahead of schedule. There appears to be a delay because the contractor has removed asphalt, curb, gutter, and sidewalk at one time rather than in smaller sections. Within 30 minutes of the recent heavy rainfall, the contractor, at his (Brooberg's) direction, began pumping water off Avenue A, beginning from the north. Pumping began at 4:30 p.m. and continued until 9:00 p.m. Only a handful of the businesses in Palm Plaza were open after 5:00 p.m. that Saturday and only those were potentially impacted by the closure of their access during those hours. All of the properties on Avenue A have had full turning movement access virtually the entire time this project has been underway beginning in July, 2009. The contractor and City staff would be happy to implement any changes necessary.

**Johnson** reiterated his comments that work has stopped in the section from 22<sup>nd</sup> Street to 24<sup>th</sup> Street. The dirt driveways have deteriorated. The pooled stormwater made it impossible for drivers to see what they were driving into to reach the shops. **Brooberg:** Every project has a point where a problem is encountered and it takes longer to finish. The contractor ran into this situation and started working on areas to the south, preparing the 24<sup>th</sup> Street intersection. In the meantime, City staff has been in contact with the businesses every day of the week. Staff has also been working with various commercial enterprises to get their signs moved out of the newly-acquired right-of-way. A combination of events has slowed the project, but work has not stopped. There always is the opportunity to do a better job and staff is willing to consider any suggestions. **Johnson** stated that other complaints have come in and he will discuss them with staff after the meeting. **Brooberg** reminded the public that complaints can be forwarded to the Engineering Department which will forward them to the project managers.

**Mendoza** stated the rainfall affected many business in Yuma, not just Palm Plaza. He commended Grey Mountain Contractors on their handling of the Avenue A project; given its size and in comparison with other projects, its impact has been less.

**Beeson** stated that the size of the curb installed at the Circle K appears to be excessive. He asked that staff evaluate it and report back. **Brooberg:** This curb was discussed earlier today and staff will be revisiting it. The design of the driveway was changed in an attempt create a smoother entrance into the business; however, it may need to be reworked.

**Moore** thanked the Grey Mountain Contractors and Qwest representatives for being present for this discussion.

**VIII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**

**Mayor Nelson** reported on his recent visit to San Luis, Rio Colorado, Mexico to celebrate the change in mayoral leadership. He also reported on attending the dedication of SR 195, the Area Service Highway.

**Johnson** stated that he attended a Rural Transportation Advocate Council meeting, but deferred his report to another meeting.


**IX. SUMMARY OF CURRENT EVENTS - none**

**X. EXECUTIVE SESSION/ADJOURNMENT**

**Motion** (Shoop/Beeson): To adjourn the meeting. Voice vote: **adopted** 7-0. The meeting adjourned at 7:08 p.m. No Executive Session was held.

  
Brigitta M. Kuiper, City Clerk

APPROVED:

  
Lawrence K. Nelson, Mayor

